

Message Text

LIMITED OFFICIAL USE POSS DUPE

PAGE 01 NEW DE 13055 031655Z

11
ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 INR-07 NSAE-00 PA-01

USIA-06 PRS-01 SP-02 /028 W
----- 106711

R 031230Z SEP 76
FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC 8172
INFO AMCONGEN BOMBAY
AMCONGEN CALCUTTA
AMCONGEN MADRAS

LIMITED OFFICIAL USE NEW DELHI 13055

E.O. 11652: N/A
TAGS: PINT, IN
SUBJECT: OPPOSITION MP AND LAWMIN GOKHALE COMMENTS ON 44TH
CONSTITUTION AMENDMENT BILL

REF: NEW DELHI 12906

1. IN THE COURSE OF THE DEBATE ON THE AMENDMENT BILL SUBMITTED TO THE LOK SABHA SEPTEMBER 1 (REFTEL), FOUR OPPOSITION MPS SPOKE AGAINST THE ADMISSION OF THE BILL - H.M. PATEL (SPEAKING ON BEHALF OF THE JANATA FRONT - ALTHOUGH THE SPEAKER DECLINED TO ALLOW HIM TO SPEAK FORMALLY FOR THAT UNRECOGNIZED GROUPING), S. MUKHERJEE (CPM), TRIDIB CHAUDHURI (REVSOCIALIST), AND P.G. MAVALANKAR (INDEPENDENT). NO OTHER OPPOSING SPEAKERS WERE ALLOWED UNDER THE RULES.

2. ALL FOUR ARGUED THAT THERE HAD BEEN INSUFFICIENT TIME FOR PUBLIC DEBATE, THAT "CENSORSHIP" MADE PUBLIC DEBATE IMPOSSIBLE, THAT SOME OF THE NEW ELEMENTS OF THE AMENDMENT BILL HAD NOT EVEN BEEN DISCUSSED WITH MPS IN THE PRIVATE SESSIONS ARRANGED EARLIER BY THE GOVERNMENT TO CONSIDER POSSIBLE AMENDMENTS, AND THAT THE CURRENT PARLIAMENT HAS NO MANDATE TO MAKE MAJOR CONSTITUTIONAL CHANGES SINCE IT IS AN "EXTENDED" PARLIAMENT. THE MPS USED HARSH LANGUAGE TO
LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

PAGE 02 NEW DE 13055 031655Z

DESCRIBE THE PROPOSED AMENDMENTS - "A MOVE TO THROTTLE DEMOCRACY AND IMPOST AUTHORITARIANISM", TO MAKE THE PEOPLE

"SLAVES", TO "DEMOLISH THE MAIN FOUNDATIONS OF THE CONSTITUTION", AND TO CREATE A "ONE-PARTY DICTATORSHIP". THE CPM AND JANATA FRONT PARTIES WALKED OUT AFTER MAKING THEIR STATEMENTS, BUT MOST INDEPENDENT MPS, DMK, AND CPI MEMBERS STAYED ON TO HEAR LAWMIN GOKHALE'S RESPONSE.

3. DOKHALE ARGUED THAT THERE HAD IN FACT BEEN WIDESPREAD DEBATE AND THAT IN ANY EVENT THERE WOULD NOW BE ABUNDANT TIME FOR EVERYONE TO COMMENT ON AND CRITICIZE THE FORMAL AMENDMENT BILL BEFORE IT WAS UP FOR FINAL DEBATE AND PASSAGE LATER IN THE YEAR. "IF ANY SUGGESTIONS ARE WORTH CONSIDERING THEY WILL BE TAKEN INTO ACCOUNT AT (THAT) TIME...", GOKHALE SAID. HE INSISTED THAT THERE HAD BEEN AN OPPORTUNITY FOR PUBLIC MEETINGS TO DISCUSS AMENDMENTS, AND THOSE WHICH HAD BEEN FORBIDDEN WERE ONES WHERE DISCUSSION OF CONSTITUTIONAL AMENDMENTS WAS ONLY A PRETEXT TO "CREATE DISORDER". IN RESPONSE TO AN ASSURANCE THAT ANY FUTURE MEETINGS HELD TO DISCUSS THE AMENDMENTS WOULD NOT BE DISALLOWED, ONE OPPOSITION MP INTERJECTED, "WHO WILL BELIEVE YOU, MR. GOKHALE?"

4. GOKHALE ASKED, "WHO COULD TAKE EXCEPTION TO AN AMENDMENT CONDEMNING "ANTI-NATIONAL" ACTIVITY?", AND RESPONDED TO CRITICISMS THAT OPPOSITION POLITICAL LEADERS WERE STILL IN JAIL BY SAYING I WAS THEIR OWN FAULT THEY WERE THERE AND THAT WAS NO REASON TO HOLD UP AN IMPORTANT BILL IF IT WAS IN "THE LARGER INTERESTS OF THE COUNTRY". HE DENIED THERE WAS ANY "PRECENSORSHIP" NOW (DISCREETLY IGNORING THE INDIAN EXPRESS CASE) AND DENIED THAT THE BASIC STRUCTURE OF THE CONSTITUTION WAS BEING CHANGED SINCE THE SUPREME COURT HAD NEVER DEFINED WHAT THE "BASIC STRUCTURE" WAS. GOKHALE REFERRED BACK SEVERAL TIMES IN HIS REMARKS TO THE 1971 DEBATE OVER THE 24TH AMENDMENT BILL, NOTING THAT THE PROTESTS AT THAT TIME WERE SIMILAR TO THOSE TODAY.

5. COMMENT: THE 24TH AMENDMENT BILL IN RETROSPECT WAS AN EDUCATIONAL PRECURSOR OF THE 44TH AMENDMENT BILL IN THAT (A) IT FOR THE FIRST TIME COMPELLED PRESIDENTIAL ASSENT TO ANY AMENDMENT PASSED BY THE PARLIAMENT, AND (B) PROVIDED FOR LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

PAGE 03 NEW DE 13055 031655Z

PARLIAMENTARY POWER TO AMEND ANY PORTION OF THE CONSTITUTION, INCLUDING BY AN IMPLICATION STILL CONTESTED BY THE OPPOSITION AND LEFT VAGUE BY THE COURTS, "FUNDAMENTAL RIGHTS". CONGRESS MPS WE HAVE TALKED TO THIS WEEK SEEM TO BE FATALISTIC IN THEIR ACCEPTANCE OF THE AMENDMENTS, OR ABJECT IN THEIR PRAISE FOR MRS. GANDHI'S PROGRESSIVE MEASURES. WE DISCERNED LITTLE REAL ENTHUSIASM, BUT NO OPPOSITION EITHER FROM CONGRESS RANKS.
END COMMENT.
SAXBE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTITUTIONAL AMENDMENTS, LEGISLATIVE BILLS, OPPOSITION PARTIES
Control Number: n/a
Copy: SINGLE
Draft Date: 03 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: vogelfj
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976NEWDE13055
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760336-0488
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760993/aaaadblv.tel
Line Count: 114
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 NEW DELHI 12906
Review Action: RELEASED, APPROVED
Review Authority: vogelfj
Review Comment: n/a
Review Content Flags:
Review Date: 09 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 JUN 2004 by buchant0>; APPROVED <07 OCT 2004 by vogelfj>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: OPPOSITION MP AND LAWMIN GOKHALE COMMENTS ON 44TH CONSTITUTION AMENDMENT BILL
TAGS: PINT, IN, (PATEL, H M)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006